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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------|------------------|
| 10/046,131   | 10/21/2001  | Francisco M. Galanes | M61.12-0393                | 9228             |
| 27366 4 7590 07/07/2006<br>WESTMAN CHAMPLIN (MICROSOFT CORPORATION)<br>SUITE 1400<br>900 SECOND AVENUE SOUTH<br>MINNEAPOLIS, MN 55402-3319 |             |                      | EXAMINER<br>LERNER, MARTIN |                  |
|  |             |                      | ART UNIT<br>2626           | PAPER NUMBER     |

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/046,131 | <b>Applicant(s)</b><br>GALANES ET AL |  |
|                              | <b>Examiner</b><br>Martin Lerner     | <b>Art Unit</b><br>2626              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 to 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 to 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 to 56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Independent claims 1, 12, 23, and 52 set forth the limitation "the controls not being in a form executable directly by a client browser", which limitation is new matter. Applicants' Specification was reviewed for disclosure of the limitation of controls not being in a form executable directly by a client browser, but support for the limitation was not found in the originally filed Specification. Thus, there is no support, either expressly or implicitly, in Applicants' originally filed Specification. Applicants should point out where, specifically, these limitations are disclosed, if they believe support exists in the originally filed Specification.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 to 2, 4 to 8, 12 to 13, 15 to 19, 23 to 24, 26 to 30, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by *Dantzig et al.*

Regarding independent claims 1, 12, 23, and 52, *Dantzig et al.* discloses:

"a first set of visual controls having attributes for defining desired visual rendering on the client device, the first set of controls not being in a form executable directly by a client browser" – main renderer 14 of a multi-modal presentation manager 11 initiates a first processing thread ("a first set of visual controls") comprising a GUI presentation manager 15 (column 7, lines 38 to 43: Figure 1); presentation of a graphic user interface (GUI) for an application defines a "desired visual rendering"; multi-modal presentation manager 11 controls an application on a web browser or a desktop (column 8, lines 32 to 35: Figure 1); implicitly, a web browser is executed on a client in a client/server architecture for receiving information from the Internet; in deferred rendering and presentation, a transcoder 30 converts an IML script 12 to a VoiceXML script 32 (column 8, lines 43 to 54: Figure 2); thus, a transcoder is needed to convert the script to

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a form that is executable directly by a client browser, and controls for the graphic user interface (GUI) are not directly executable; a GUI presentation manager parses IML tags and attributes (column 10, line 60 to column 11, line 2);

“a second set of controls having attributes for defining desired operation on the client device comprising at least one of recognition and audibly prompting, the second set of controls using at least one of the first controls, the second set of controls not being in a form executable directly by a client browser” – main renderer 14 of a multi-modal presentation manager 11 initiates a second processing thread (“a second set of controls”) comprising a speech renderer 16, wherein the speech renderer 16 utilizes a plurality of speech engines 17 for speech recognition and text-to-speech synthesis (column 7, lines 38 to 47: Figure 1); multi-modal presentation manager 11 controls an application on a web browser or a desktop (column 8, lines 32 to 35: Figure 1); implicitly, a web browser is executed on a client in a client/server architecture for receiving information from the Internet; in deferred rendering and presentation, a transcoder 30 converts an IML script 12 to a VoiceXML script 32 (column 8, lines 43 to 54: Figure 2); thus, a transcoder is needed to convert the script to a form that is executable directly by a client browser, and controls for VoiceXML are not directly executable; a VoiceXML document is generated from an IML script by parsing IML tags and attributes representing “choice” selections to build voice prompts (column 10, line 60 to column 11, line 14: Figure 2); a speech renderer 16 (“a second set of controls”) “uses” and “is associated with” GUI presentation manager 15 (“a first set of controls”) because multi-modal presentation manager 11 automatically integrates and

synchronizes voice synthesis and speech recognition functions with the presentation layer of applications (column 6, line 63 to column 7, line 8: Figure 1);

“a module operable on a computer, the module being configured to receive an authoring page, comprising a plurality of the second set of controls, wherein the module is further configured to process the plurality of the second set of controls to generate client side markup executable by the client browser on the client in the server/client system in accordance with the second set of controls and the attributes of the second set of controls for at least one of recognition and audibly prompting, and wherein the module is configured to use at least one of the first set of controls in order to generate markup when processing each of the second set of controls” – a “single-authoring” system and method is an interaction-based programming paradigm for creating content as an intent-based markup script, permitting an application to be written in a manner which is independent of control application logic and presentation (column 5, line 20 to column 6, line 2; column 10, lines 24 to 28); implicitly, authoring for web-based presentation is on “an authoring page” at a client browser; authoring produces content for both GUI presentation manager 15 and speech renderer 16 (column 7, lines 38 to 48); an IML script has attributes, which are parsed to generate a VoiceXML script (column 7, lines 20 to 37).

Regarding claims 2, 4, 13, 15, 24, and 26, *Dantzig et al.* discloses controls relate to grammars for speech recognition (column 9, lines 31 to 39; column 16, lines 6 to 30).

Regarding claims 5, 6, 16, 17, 27, and 28, *Dantzig et al.* discloses controls relating to XML (column 5, lines 50 to 56), VoiceXML (a form of XML) (Abstract), and WML (column 6, lines 56 to 62).

Regarding claims 7, 8, 18, 19, 29, and 30, *Dantzig et al.* discloses a speech renderer 16 generates audible output by text-to-speech synthesis (column 7, lines 42 to 45).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9 to 11, 14, 20 to 22, 25, 31 to 46, and 53 to 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dantzig et al.* in view of *Ladd et al.* ('336).

*Dantzig et al.* discloses a system and method for generating and presenting multi-modal applications from markup scripts for synchronizing a GUI presentation layer with voice synthesis and speech recognition, but omits details relating to "attributes providing a reference to a location", "a prerecorded audio data file", "an identifier of the associated control", "a question control", "an answer control", "binding the recognition value", and "a confirmation control". However, *Ladd et al.* ('336) teaches a voice browser for interactive services. An objective is permit users to access information from any location in the world via any suitable network access device. (Column 43, Lines 54

to 63) It would have been obvious to one having ordinary skill in the art to include details disclosed by *Ladd et al.* ('336) in a system and method for generating and presenting multi-modal applications from markup scripts of *Dantzig et al.* for a purpose of permitting users to access information from any location in the world via a suitable network access device.

Concerning claims 3, 14, and 25, *Ladd et al.* ('336) discloses attributes for grammars (column 13, lines 6 to 10), and retrieving grammars from database locations (column 12, lines 7 to 14; column 14, lines 18 to 28) for speech recognition.

Concerning claims 9 to 11, 20 to 22, and 31 to 33, *Ladd et al.* ('336) discloses determining an address for playing a prompt to a user (column 13, line 66 to column 14, line 17: Figure 5a: Steps 400, 402, 406); both recorded sound samples (column 15, line 63) and text to speech (TTS) (column 16, lines 11 to 20) are provided.

Concerning claims 34 and 53, *Ladd et al.* ('336) discloses a markup language for text to speech; implicitly, when the text is displayed and the speech is produced for an audible prompt, there is an association of attributes between visual controls and audible controls.

Concerning claims 35 to 37, *Ladd et al.* ('336) discloses an option list in a markup language for controlling which choices are available at a network access apparatus (column 28, lines 9 to 60).

Concerning claim 38, *Ladd et al.* ('336) discloses a FORM input to collect an order in response to a prompt, and post the input to an address (column 20, lines 20 to



46); thus, a markup language controls a prompt, then activates an input, and then performs a post operation.

Concerning claims 39 to 43 and 54, *Ladd et al.* ('336) discloses a markup language for generating an audible prompt of a question and a grammar for an answer; an answer is followed by, and is activated, a question prompt, where an answer is bound for recognition by <INPUT TYPE> (column 18, lines 40 to 55); a post operation is "an event related to operation of binding" (column 20, lines 28 to 46).

Concerning claims 44 to 46 and 55 to 56, *Ladd et al.* ('336) discloses a markup language for re-prompting ("repeating an audible prompt") (column 14, line 57 to column 15, line 16: Figure 5a: Steps 416, 425) and an attribute for confirming a recognition result (column 15, lines 45 to 54: Figure 5a: Step 452).

7. Claims 47 to 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dantzig et al.* in view of *Ladd et al.* ('336) as applied to claims 23, 39, 40, 45, and 46 above, and further in view of *WCW Working Draft* ("*Grammar Representation Requirements for Voice Markup Languages*").

*Ladd et al.* ('336) discloses a confirmation control to accept an answer as a recognized result that is correct (column 15, lines 44 to 59: Figure 5b: Step 456). Lack of confirmation implicitly denies a recognized result, whereupon the process continues to replay a prompt for a current step so as to correct a recognition result. (Figures 5a and 5b: Step 446) However, *Ladd et al.* ('336) omits an attribute related to a confidence level for confirming, accepting or denying, and correcting a recognition result. *WCW*

*Working Draft* teaches grammars for voice markup languages with attributes, where confidence scoring tightens or relaxes the normal rejection constraints to provide content based control of performance. (Sections 4.3 and 5.1) It would have been obvious to one having ordinary skill in the art to provide confidence scoring as taught by *WCW Working Draft* in the voice browser for interactive services of *Ladd et al.* ('336) for a purpose of tightening or relaxing rejection constraints to provide content based control of performance.

### ***Response to Arguments***

8. Applicants' arguments filed 14 October 2005 have been considered but are moot in view of the new grounds of rejection, necessitated by amendment.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Boloker et al. and Jennings disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone

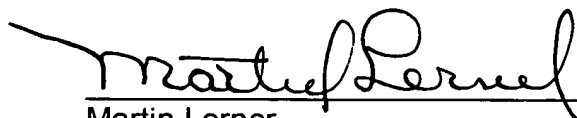
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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML

6/28/06

A handwritten signature in black ink, appearing to read "Martin Lerner", written over a horizontal line.

Martin Lerner  
Examiner  
Group Art Unit 2626

REPLACEMENT SHEET  
10/046,131



DRAWING  
APPROVED  
- m p  
6/28/06

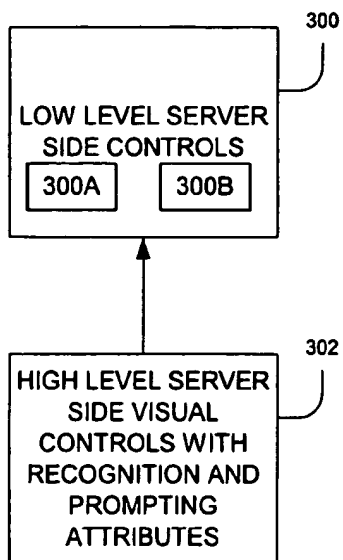


FIG. 7